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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,849	12/18/2001	Gerard Pucheu-Marque	28944/40018	6145
29471 7590 01/07/2009 MCCRACKEN & FRANK LLP 311 S. WACKER DRIVE SUITE 2500 CHICAGO, IL 60606			EXAMINER HALIYUR, VENKATESH N	
			ART UNIT 2419	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/024,849

Applicant(s)

PUCHEU-MARQUE, GERAD

Examiner

VENKATESH HALIYUR

Art Unit

2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/25/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,3-8,10 is/are rejected.
- 7) ☒ Claim(s) 2,9 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Amendment

1. Amendment filed on 09/25/2008 has been considered and is ineffective to overcome the references for claims 1, 3-8, 10. Rejection follows.
2. Claims 1-11 are pending in the application.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-8,10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grilli et al [US Pat: 6,438,117] in view of Raith [US Pat: 6,073,005].
5. Regarding claims 1, 8,10, Grilli et al in the invention of "Base Station Synchronization for Handover in a Hybrid GSM/CDMA Network" disclosed a method (Figs 4A-4C) for allocating radio resources for the establishment of an outgoing call

originating from a mobile terminal (**MS, item 40 of Fig 4B**) of a first system for radio communications (**CDMA BSS, item 32 of Fig 4B**) with mobiles having a given radio interface and mobile terminal initiates communication over the air interface (**in an overlapping CDMA and GSM systems, col 13, lines 44-55, Figs 2A, 8,14**) via a base station of a second system (**GSM BSS, item 30 of Fig 4B**) for radio communications with mobiles said second system (**GSM/TDMA, col 2, lines 62-67, col 3, lines 1-17, lines 54-60**) being distinct from said first system (**CDMA, col 16, lines 61-67, col 17, lines 1-15**), and said first and second systems comprising respective terminals and base stations and having respective radio interface which are mutually incompatible (**col 22, lines 5-36**) , wherein the base station carries out the steps of (**col 3, lines 61-67, col 4, lines 1-61**): a) monitoring signals transmitted by the mobile station in the first system (**col 22, lines 37-67**); and b) in case of detection, by the base station, of a given pattern (**preamble**) transmitted by the mobile terminal, allocating a traffic channel emulating the radio interface of the first system, for communication with the mobile terminal (**col 23, lines 1-31**), but fails to disclose monitoring mutual help channel of the first system by a base station of the second system. However, Raith in the invention of "Systems and Methods for Identifying Emergency Calls in Radio Communication Systems" disclosed a system and a method for monitoring emergency calls by an adjunct cell system (**item 550 of Fig 5**) initiated by a mobile terminal (**item 530 of Fig 5**) over an access channel within another cell serviced by a different base station (**item 510 of Fig 5**) (**col 5 lines 62-67, col 6, lines 1-63, lines Figs 2, 5**).

Therefore it would have been obvious for one of the ordinary skill in the art at the time the invention was made to use the method of monitoring emergency calls by an adjunct cell system initiated by a mobile terminal over an access channel within another cell serviced by a different base station as taught by Raith in the system of Grilli et al to monitor mutual help channel of the first system by a base station of the second system. One is motivated in order to provide a fail safe emergency call monitoring capability in distinct radio systems when a mobile user initiates an emergency call in a second radio system which is distinct from the first radio system of the mobile user (**Raith, col 1, lines 54-65, col 2, lines 31-65**).

Regarding claim 3, Grilli et al disclosed that said given periodic timeslots consist of at least some of the timeslots of a broadcasting logical channel set up on a downlink control physical channel specific to the base station (**col 3, lines 33-52**).

Regarding claim 4, Grilli et al disclosed that the mobile terminals of the second system are silent (**idle**) during said given periodic timeslots (**col 3, lines 1-32**).

Regarding claims 5, Grilli et al disclosed that the given pattern is a synchronization sequence inserted periodically into the frame of a traffic physical channel of the first system (**col 2, lines 31-40, col 3, lines 17-32**).

Regarding claims 6-7, Grilli et al disclosed that the allocation of the traffic channel is automatic (**soft handover, col 18, lines 3-11, col 21, lines 1-15**) and the allocation of the traffic channel is controlled by an operator (**col 22, lines 5-11**).

Response to Arguments

6. Applicant's argument, see remarks filed on 09/25/2008 with respect to rejection of claims 1-11 have been considered and they are not persuasive for claims 1, 3-8, 10.

With respect to applicant's main argument (please see pages 2-4 of remarks) for rejections of independent claims 1,8,11 that Grilli teaches a hybrid GSM-TDMA (first system) and CDMA (second system) communication systems (Figs 4A-4C) where in only dual mode mobile stations are functional in the communication system and fails to disclose that a single mode mobile station in a first system establishes communication with a mobile station in a mutually incompatible (distinctive) second communication system, however on further review of the references the examiner respectfully disagrees and points applicants to col 2, lines 62-67, col 3, lines 1-17, lines 54-60 where Grilli et al disclosed that at any given time a mobile station (MS) can communicate with either the TDMA base station or a CDMA base station but not both, therefore it is obvious for one of the ordinary skill in the art that a MS in TDMA system (first system) communicating with a MS in a CDMA system (second system) at any given time and therefore the air interface in first system and second systems are mutually incompatible in their native mode. Grilli et al further disclosed allocation of radio resources for air interfaces for TDMA and CDMA interface in col 4, lines 55-67 and further CDMA and TDMA emulation of radio interface is disclosed in cols 6-7 for TDM and GSM systems as noted in the office action.

With respect to applicant's argument (as in remarks, page 5) that Raith fails to disclose the limitation of monitoring a mutual help channel of the first system, the examiner respectfully disagrees and points applicants to the reference where Raith disclosed a method for monitoring the help channel in any communication system including the hybrids of TDMA and/or CDMA systems (disclosed by Grilli also) in col 2, lines 40-48, and further disclosed monitoring a help channel (control or traffic channel) in an adjunct system of a radio communication system (col 5, lines 62-67, col 6, lines 1-44, Fig 5) and for the limitation of signals transmitted by the mobile station in the first system of a given pattern and allocating a traffic channel emulating the radio interface of the first system, for communication with the mobile terminal, the examiner has relied on Grilli reference as indicated in the present and previous office actions.

In response to applicant's argument (see remarks, page 5) that there is no suggestion to combine the references, however where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, the examiner has established obviousness by combining the teachings of Grilli and Raith to produce the claimed invention as described in the preceding paragraphs. On further review of the claim limitations in claims 2, 9, 11 and based on further clarifications for monitoring of mutual help channel made by the applicants in the response of 09/25/2008, the examiner has withdrawn rejection of claims 2,9,11 and indicated allowability as noted in this office action.

Allowable Subject Matter

7. Claims 2, 9, 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior art fails to teach and render obvious the features as claimed for method, apparatus and means in claims 2,9,11 respectively;

“- measuring the power level at the frequency of said mutual help channel during said given periodic timeslots;

- if this power level is greater than a given threshold, assigning a control logical channel dedicated to searching for the given pattern on the said mutual help channel, the timeslots of said control logical channel having a second periodicity which is not proportional to said first periodicity; and

- monitoring said mutual help channel during the timeslots of said control logical channel, while taking into account the characteristics of the radio interface of the first system. “

Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications should be directed to the attention to Venkatesh Haliyur whose phone number is 571-272-8616. The examiner can normally be reached on Monday-Friday from 9:00AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached @ (571)-272-7884. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571)-272-2600 or fax to 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

Art Unit: 2419

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

/Venkatesh Haliyur/

Examiner, Art Unit 2419

/Edan Orgad/

Supervisory Patent Examiner, Art Unit 2419